

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of Application by	)	
	)	
COLUMBIA COMMUNICATIONS	)	File No. SAT-LOA-20000414-00081
CORPORATION	)	
	)	
	)	
For Authority to Launch and Operate	)	
a Geostationary C-Band Replacement Satellite	)	
in the Fixed-Satellite Service at 174.3° W.L.	)	

**ORDER AND AUTHORIZATION**

**Adopted: February 26, 2001**

**Released: February 27, 2001**

By the Chief, Satellite and Radiocommunication Division

**I. Introduction**

1. By this Order, we grant Columbia Communications Corporation authority to launch and operate a replacement satellite at the 174.3° W.L. orbital location. Grant of this application will permit Columbia to expand the range and scope of its communication services and provide continuity of service for existing customers.

**II. Background**

2. For the past eight years, Columbia has offered international video, voice, and data communications in the Atlantic and Pacific Ocean regions using leased transponders on Tracking and Data Relay Satellite Service ("TDRS") satellites launched and maintained by the National Aeronautics and Space Administration (NASA). Columbia currently provides service in the Pacific Ocean region via twelve transponders operating in the standard C Band (*i.e.*, 3700-4200 MHz space-to-earth and 5925-6425 MHz earth-to-space) aboard the TDRS-5 satellite at 174.3° W.L., pursuant to a license issued in 1991.<sup>1</sup>

3. Columbia requests authority to launch and operate a geostationary satellite at the 174.3° W.L. orbit location as a replacement for its licensed capacity on TDRS-5. The replacement satellite, "Columbia T5R," is to provide voice, video, and data services. The satellite will use twenty-four transponders operating in the standard C-Band for transmission to, and reception from, earth stations in Hawaii and North America west of 100° W.L. It will use another twenty-four standard C-Band transponders and twelve transponders operating in the extended C-Band, *i.e.*, 3400-3700 MHz space-to-earth and 6425-6725 MHz earth-to-space, for transmission to user terminals in Australia and East Asia.

<sup>1</sup>

*Columbia Communications Corporation*, 7 FCC Rcd 122 (1991).

4. In a supplemental statement filed on November 27, 2000, counsel for Columbia reported that Columbia had executed a construction contract and was proceeding with construction of the proposed replacement satellite at its own risk. Counsel maintained that prompt action on the application was needed to facilitate Columbia's plans to market follow-on services to customers. No one opposes the application.

### III. Discussion

5. *Financial and legal qualifications.* Section 25.140 of the Commission's rules requires an applicant for a space station license in the Fixed Satellite Service (FSS) to demonstrate that it is financially qualified to proceed expeditiously with the construction, launch, and operation of the proposed satellite facilities.<sup>2</sup> The applicant can demonstrate financial qualification by showing that the value of its current assets and operating income, or the current assets and operating income of a corporate parent, is equal to or greater than the estimated cost of constructing and launching the proposed satellite plus the estimated cost of operating the satellite for one year.<sup>3</sup> Columbia estimates that it will incur a total cost of \$280 million for construction, launch, and first-year operation of the proposed replacement for its TDRS-5 facilities. Columbia has submitted a financial report certified by an independent auditor showing that the value of the current assets held by its corporate grandparent, the General Electric Company ("GE"), and affiliates is far in excess of \$280 million.<sup>4</sup> We therefore conclude that the applicant is financially qualified.

6. The Commission found Columbia legally qualified when granting its current satellite licenses and implicitly held so again when granting consent for the recent transfer of control to GE Americom (which, like Columbia, holds licenses for several currently-operational satellites). Knowing no reason to conclude otherwise, we find that Columbia remains legally qualified to be a satellite licensee.

7. *Compliance with technical requirements.* Columbia's specifications for the proposed satellite are consistent with the Commission's two-degree orbital spacing policy for geostationary FSS satellites<sup>5</sup> and with all pertinent technical requirements in the Commission's rules. Columbia acknowledges that there may be potential for harmful interference between the proposed satellite and certain C-Band satellites operated by Intelsat and New Skies. Neither Intelsat nor New Skies has objected to Columbia's proposal, however. We expect, as always, that potential interference issues involving foreign-licensed satellites will be resolved through the international coordination process pursuant to applicable regulations

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<sup>2</sup> 47 C.F.R. §25.140.

<sup>3</sup> 47 C.F.R. §25.140(c).

<sup>4</sup> Counsel submitted the auditor's report, as published in GE's last annual report to shareholders, in an attachment to a letter to the FCC Secretary filed on September 25, 2000. Pursuant to a merger consummated on September 1, 2000, Columbia is a wholly-owned subsidiary of GE American Communications, Inc., which, in turn, is a wholly-owned subsidiary of GE. The Commission granted approval for the merger in *GE American Communications, Inc. et al.*, 15 FCC Rcd 11,590 (2000).

<sup>5</sup> See *Licensing Space Stations in the Domestic Fixed-Satellite Service*, 48 Fed. Reg. 40233, 54 Rad. Reg. 2d (P&F) 577 (1983).

of the International Telecommunication Union (ITU) and that interference issues involving other U.S.-licensed satellites will be resolved in coordination between the affected parties.

8. *Use of extended C-Band.* As noted previously, Columbia proposes to use the extended C-Band downlink frequencies at 3400-3700 MHz to provide service via earth stations in Australia and East Asia. We will not authorize satellite transmission in the 3400-3600 MHz band to earth stations in the United States or its possessions, as that frequency band is not allocated to the fixed-satellite service (FSS) in the United States. Moreover, although 3600-3700 MHz is allocated for FSS in the United States that domestic allocation is for limited purposes.<sup>6</sup> Recognizing, however, that 3400-3700 MHz is allocated to the FSS on a worldwide basis in the ITU Radio Regulations, we will permit Columbia to transmit in that frequency band from its satellite to earth stations in Australia and East Asia, as proposed, provided that it obtains authority for such operation from foreign administrations. We do not construe Columbia's application as requesting authority for transmission in any portion of the 3400-3700 MHz band to earth stations on U.S. territory, and we are not granting authority for such operation in this order.

9. The U.S. government uses the 3400-3600 MHz band on a worldwide basis for military operations, including high-powered, highly mobile, shipborne and airborne radar systems. We will therefore require Columbia to inform recipients of services involving downlink transmission in that band to earth stations in foreign territory that such services could be subject to interference from worldwide U.S. government operations.<sup>7</sup>

10. *Construction milestones.* In a schedule included in its application, Columbia proposes to commence satellite construction within one year after authorization and complete construction within four years after authorization. This schedule is consistent with usual industry practice. We therefore accept Columbia's proposed schedule for the purpose of establishing construction milestone deadlines, while recognizing Columbia's subsequent report that it has already commenced construction.

#### IV. Conclusion and Ordering Clauses

11. We find that Columbia is legally, financially, and technically qualified to launch and operate the proposed T5R satellite. Further, we conclude that granting the application will serve the public interest by enabling Columbia to expand the range and scope of its video, voice and data service capabilities, enhance competition in the market for international satellite services, and provide continuity of service to existing customers.

12. Accordingly, IT IS ORDERED that Application SAT-LOA-20000414-00081 IS GRANTED and Columbia Communications Corporation IS AUTHORIZED to launch and operate the proposed "T5R" geostationary satellite at 174.3° W.L.

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<sup>6</sup> See 47 C.F.R. §2.106, footnote US 245 and *Amendment of the Commission's Rules with Regard to the 3650-3700 MHz Government Transfer Band, Notice of Proposed Rulemaking and Order*, 14 FCC Rcd 1295 (1998).

<sup>7</sup> We follow precedent in this respect. See, e.g., *Columbia Communications Corp.*, 15 FCC Rcd 10,019 (IB 1999), at ¶23.

13. IT IS FURTHER ORDERED that Columbia Communications Corp. IS AUTHORIZED to operate its T5R satellite in the 3700-4200 MHz band for space-to-earth transmissions and the 5925-6425 MHz band for earth-to-space transmissions, in accordance with the technical specifications set forth in its application and consistent with the Commission's rules.

14. IT IS FURTHER ORDERED that Columbia Communications Corp. IS AUTHORIZED to operate its T5R satellite in the 3400-3700 MHz band for space-to-earth transmissions to earth stations in foreign territory in the Pacific Ocean Region, in accordance with the technical specifications set forth in its application and consistent with the Commission's rules. Columbia shall inform its customers and operators using the frequency band 3400-3600 MHz of the potential for interference from U.S. Government operations worldwide.

15. IT IS FURTHER ORDERED that Columbia shall not transmit in the frequency band 3400-3600 MHz to any earth station in the United States or its possessions.

16. IT IS FURTHER ORDERED that Columbia shall prepare the necessary information, as may be required, for submission to the International Telecommunication Union ("ITU") to initiate and complete the advance publication, international coordination, and notification process of this space station in accordance with the ITU Radio Regulations. No protection from interference caused by radio stations authorized by other administrations is guaranteed unless coordination procedures are timely completed or, with respect to individual administrations, coordination agreements are negotiated. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments with other administrations. *See* 47 C.F.R. §25.111(b).

17. IT IS FURTHER ORDERED that Columbia is obliged to comply with the applicable laws, regulations, rules, and licensing procedures in those countries it proposes to serve.

18. IT IS FURTHER ORDERED that the license term for the T5R satellite is ten years and will begin to run on the date Columbia certifies to the Commission that the satellite has been successfully placed into orbit and that its operation fully conforms to the terms and conditions of this authorization.

19. IT IS FURTHER ORDERED that this authorization shall become NULL AND VOID in the event that Columbia fails to certify at the appropriate times, pursuant to 47 C.F.R. §25.161(a), that the space station has been constructed and placed into operation in accordance with the terms and conditions specified herein by the following milestone dates:

Commence Construction  
February 2002

Complete Construction  
February 2005

Launch  
June 2005

20. IT IS FURTHER ORDERED that Columbia shall relinquish any right to the continued operation of the TDRS-5 satellite when it begins commercial operation of the proposed T5R replacement satellite. Columbia shall inform the Commission when commercial operation of T5R has begun.

21. Columbia is afforded thirty days from the date of release of this order and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

22. This order is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. §0.261, and is effective upon adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106 and 1.115, may be filed within 30 days of the date of the release of this order. 47 C.F.R. §1.4(b)(2).

FEDERAL COMMUNICATIONS COMMISSION

Thomas S. Tycz, Chief  
Satellite and Radiocommunication Division